



2600 INVESTIGATIVE PROTOCOLS (Revised June 6, 2017)

Officers encountering criminal cases where probable cause exists to make an arrest will do so. Information that officers develop shall be included in their initial reports, including pertinent information on all interviews and interrogations and evidence collected or observed. Some police incidents require follow-up investigation beyond the scope of the initial response, or require different investigative protocols. This chapter will detail specific protocols where necessary.

The Investigative Services Bureau (ISB) and other specialty units will maintain criteria for investigative follow-up within their units and will post call out criteria and contact telephone numbers via computer-accessible databases. Additionally, these units will establish case management control systems and procedures for maintaining investigative files.

Call-out criteria for these units can be found in TPD Wiki. Officers shall make appropriate notifications per the listed callout criteria. Additional information may be found in Operations Pamphlet #10, the Crime Scene and Search Warrant Processing, located on the Common Drive (S:\Forms\Ops Pamphlet)

2605 HATE CRIMES AND BIAS INCIDENTS

The Tucson Police Department is committed to ensuring that victims of crimes have ready access to reporting opportunities and that suspected crimes are promptly and appropriately investigated. The department accepts direct, anonymous, and third-party reports of suspected hate crimes and bias-based incidents. Any member of the public may report a hate crime or bias-based incident by calling 911. A police officer will be dispatched to take a report. The department also maintains a web-based portal for filing non-emergency reports of suspected bias-based incidents on the department's internet page.

Arizona Revised Statutes do not include a stand-alone criminal violation for hate crimes. Instead, ARS 13-701 provides an option for enhanced sentencing when sufficient evidence exists that a defendant committed a felony crime while motivated by either:

- Malice toward the victim based upon identity in a group listed in ARS 41-1750 (including race, color, national origin, sexual orientation, gender, or disability), *or*
- The defendant's perception of a victim's identity in a group listed in ARS 41-1750

Crimes with a suspected hate or improper bias motivation should be investigated as appropriate based upon the underlying incident or allegation. If indicators of improper bias or hate motivation are evident, additional investigative measures are necessary. Specific documentation of hate or bias-related indicators is required when they are evident.

Information regarding bias-based investigations, including call-out information and investigative resources may be found at TPD Wiki "Hate Crime."

2605.1 Hate Crimes and Bias Incidents-Definitions

Improper Bias: A pre-formed negative opinion or attitude motivated by prejudice about the perceived race, color, religion, ethnicity, sexual orientation, gender, gender identity,



marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental handicap, age, economic or social status, or citizenship of the victim (this is not an all-inclusive list).

Bias-based Incidents: A bias-based incident is an incident that is motivated in whole or in part by a subject's improper bias, but is lacking information to support reasonable suspicion or probable cause for a criminal violation (e.g., statements using racial slurs/hate remarks without commission of a suspected crime). Bias-based incidents often involve constitutionally protected expression that has not crossed a line into criminal conduct.

Hate Crime: A hate crime is a criminal offense against a person or property that is motivated in whole or in part by an offender's improper bias or the offender's improper bias against the perceived race, religion, disability, sexual orientation, ethnicity, gender, or gender identity of the victim. The expression of improper bias or hate in and of itself is not a crime, and the Tucson Police Department is mindful of protecting freedom of speech and other civil liberties for all community members.

2605.2 Hate Crimes and Bias Incidents-Investigation

Officers investigating a suspected hate crime or improper bias incident shall follow the appropriate investigative protocols for the underlying incident. Since ARS does not provide a hate crime statute, it is imperative to investigate the underlying offense as a primary consideration. Hate or bias-related motivation indicators shall be thoroughly documented.

In determining if the incident was motivated by improper bias, consideration should be given to the following:

- Were words or symbols used that may indicate the crime was motivated by improper bias?
- Are there indications that the incident was perpetrated by an organized hate group?
- Is the victim connected with public activities or events associated with race, religion, ethnicity, gender, gender identity, disability, or sexual orientation?

Hate crimes are not random crimes, and victims are targeted based upon their identity or values. Victims of hate crimes and those subjected to bias-based incidents often experience significant emotional trauma associated with the event. Victims may be reluctant to report specific details of the incident. Officers are encouraged to allow victims to use their own words to describe the incident, but may consider asking direct questions to elicit information about suspected motivations, including:

- Why do you believe this occurred?
- Have you had any recent problems with anyone?
- Have you had any recent problems at work, home, or school?
- Have you been previously harassed or threatened based on your race, ethnicity, etc.?



- Have you had previous contact or been harassed or threatened by the suspect(s) in this incident?

Additional investigative information and references may be found on the TPD Bias/Hate Crime Incident wiki page.

2605.3 Hate Crimes and Bias Incidents-Reporting Requirements

Arizona Revised Statute 41-1750 mandates reporting of criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability. Additionally, the department maintains statistical information for all incidents where a bias motivation is suspected or alleged. Officers shall complete bias-incident fields on police reports when information exists indicating the possibility of a bias-related incident. An electronic résumé shall be completed on any bias-incident investigation.

Mandatory supervisor notification is required if a hate or bias-based motivation is suspected at any time during an investigation.

2605.4 Hate Crimes and Bias Incidents-Supervisor Responsibilities

Supervisors shall respond to the scene of felony investigations with a suspected hate or bias motivation. Supervisors shall ensure appropriate investigative protocols are followed, to include the use of Crime Scene personnel, the preservation of evidence, and notification to investigative units.

2605.5 Hate Crimes and Bias Incidents-Notifications

Supervisors shall make immediate notification to their chain of command of all reported bias incidents or hate crime investigations. The chain of command will evaluate the circumstances surrounding the incident and shall notify the Chief of Staff of all felony hate crime investigations as well as any bias incidents with the potential for a serious impact on the community.

The threshold for determining if a bias motivation exists is similar to the threshold for establishing reasonable suspicion. The circumstances must be more than the mere opinion or belief that the incident was motivated by bias or hate, in the absence of supporting indications.

Supervisors will ensure that the Homeland Intelligence Unit is notified when a suspected bias incident or hate crime is being investigated.

2605.6 Hate Crimes and Bias Incidents-Homeland Security Intelligence Unit (HSIU) Responsibilities

The department's bias crimes detective is assigned to the HSIU. The HSIU has specific responsibilities related to hate crimes and bias-incidents, including:



- Providing support to investigative units as needed when investigating a suspected hate crime.
- Reviewing all hate and bias-related incidents reported to the department.
- Collecting and maintaining statistics regarding reported hate crimes and bias-based incidents.
- Submitting quarterly reports to the Arizona Department of Public Safety regarding all hate crimes.
- Providing training to post-basic training classes.
- Creating annual mandatory update training for all sworn personnel.
- Community training and outreach.
- Participation in the Southern Arizona Hate Crimes Task Force.
- Creating an annual executive summary report of hate and bias-related incidents and related internal and external training and outreach activities.
- Maintaining TPD Wiki page for hate and bias-related incidents.

The Federal Bureau of Investigations (FBI) publishes an annual statistical report based upon statistics collected from state and local law enforcement agencies regarding hate crimes. The Tucson Police Department contributes to this national data collection effort by providing quarterly reports of local hate crime statistics to the Arizona Department of Public Safety, the designated pass-through agency for reporting to the FBI.

2610 FAMILY CRIMES

2611 General

The Family and Sex Crimes Section falls under the Crimes Against Persons Division and includes the Dependent Child, Child Sexual Abuse, Domestic Violence, Adult Sexual Assault, and the Sex Offender Registration and Tracking Units. These units increase community awareness of the crimes they investigate through public speaking engagements, serving on numerous boards and committees, and other outreach efforts. The Tucson Police Department liaisons with other elements of the law enforcement community and juvenile justice system to ensure collaboration in the development of juvenile programs and investigative protocols.

2612 Dependent Child Unit (DCU)

A child is defined as a person under 18 years old. The Dependent Child Unit is responsible for follow-up investigations reference child death, custodial interference, physical child abuse, and child neglect.

2613 Child Sexual Abuse Unit (CSA)

A child is defined as a person under 18 years old. The Child Sexual Abuse Unit investigates all sex crimes when the victim is under 18 years old. This includes reports of child molesting, sexual assault and indecent exposure.



2614 Domestic Violence Unit

The Domestic Violence Unit investigates all domestic violence offenses (except homicide and sexual assault) as defined in ARS 13-3601. It also enforces all orders of protection as defined in ARS 13-3602. The Unit works closely with all social service agencies that offer assistance to victims of domestic violence. Unit detectives conduct "walk-through" city court arraignments weekly for domestic violence suspects who meet certain criteria.

Per department and city court policy, officers should not generally apply the domestic violence statute to individuals residing in group living situations.

- Fraternity houses
- Sorority houses
- Group homes
- Treatment facilities
- Barracks
- Dormitories
- Other similar group living situations

2615 Adult Sexual Assault Unit (ASA)

The Adult Sexual Assault Unit investigates all sex crimes when the victim is 18 years old and over. This includes reports of sexual assault, attempted sexual assault, molesting, indecent exposure, public sexual indecency, prowling, and peeping toms. The unit also handles home invasions and burglaries where sexual motivation is apparent.

2616 Sex Offender Registration and Tracking Unit (SORT)

The Sex Offender Registration and Tracking Unit is responsible for sex offender registration and tracking, as mandated by Arizona law. Detectives conduct a background investigation of the offender, complete or review the state assessment form, and make community notification, as needed.

The unit is also responsible for the initial call out and investigation of missing children and follow up investigations involving runaway juveniles. The SORT Unit is only responsible for the investigative portions of these cases; ground search responsibilities remain with the patrol division.

The SORT Unit also works predator cases involving suspects who pose a risk to juveniles. A detective is assigned part-time as a member of the US Marshal's Wanted Task Force/Child Predator Apprehension Team. This unit investigates reports of child pornography and sexual exploitation of children.

2617 Responding To Incidents Involving Children

Officers shall contact the appropriate investigative detail and complete a case report documenting the circumstances and type of incident. If a child is in need of immediate medical attention, the investigation will proceed at the treatment facility. Detectives may indicate which treatment facility to use if injuries do not require immediate medical attention. Absent other unrelated



charges, field officers will not make an arrest related to the abuse until detectives have been contacted.

It is the responsibility of the responding officer to document the information listed below. If possible, the officer should obtain this information from the reporting party, interviewed away from the victim, witnesses, or others who may have information about the report.

- Determine the need for immediate medical treatment or forensic examination and contact detectives immediately if either is required
- Secure and preserve the crime scene, if applicable
- Obtain the names and identifying information for all parties involved. Remember CPS information is accessed through the child's mother's name.
- Establish the elements of the crime (what does the child say happened and is it a crime).
- Determine jurisdiction.
- Information about the suspect:
 - Relationship and access to child
 - Knowledge of report
 - Willingness to speak to investigators

Questioning of child victims should be limited and should be conducted only if the information is not available from another adult source. If the victim must be questioned, officers should ask only the following questions in an attempt to garner basic information and avoid attempting to elicit details:

- Who did it?
- Where did it happen? (only to determine jurisdiction)
- When is the last time it happened?
- Who have you told?

Once this information is gathered and it is determined a crime has been committed, officers should contact the appropriate investigative detail, following the call out criteria.

The responding officer shall notify the CPS hotline in all incidents where the suspect lives in the home or has access to the child, if the officer believes the child is not safe at the home, or if there is concern for any other child associated with the suspect. Officers shall document the date and time of the CPS call and the person who took the report.

2617.1 Responding to Dirty House Calls

Depending on the condition of the house, officers have the following choices:

- Document and photograph the condition of the house, if it does not rise to a criminal level
- Document, photograph and cite for 13-3613 (contributing to the delinquency/dependency of a minor) - if the house is unclean, but not a hazard or health risk to the child.



- Document, photograph, and call Dependent Child Unit- if the house poses a hazard or health risk to the child.

2617.2 Responding to Children Unattended in Vehicles:

If the child is not in distress, cite for both TCC 11-65 and ARS 13-3613. If the child is in distress (needs medical attention), call the Dependent Child Unit.

2617.3 Check Welfare Calls

Most check welfare situations are conducted with consent from the parent or other adult responsible for the child. When conducting a check welfare, officers should ask both the child (alone) and adult the following:

(Questions should not be asked of the child in front of the adult if it is obvious the child is reluctant to speak.)

- Find out the names and ages of the children at the home
- Ask children's whereabouts/if they attend school/who cares for them before and after school
- Ask the child when was the last time he/she ate, what he/she had, and does he/she regularly get breakfast, lunch and dinner. Ask to look in the refrigerator.
- Examine the visible areas of the child, especially the head, neck, arms and legs. Unless the parent objects, pull the shirt out and examine the back. You are looking for pattern injuries, bruises in different stages of healing, injuries in areas not explained by childhood accidents. Ask the child and adult separately how the injuries were received.
- Ask the child if he/she feels safe at home.
- If checking welfare on an infant or sleeping child, have the parent or guardian expose the child's chest, back, and legs. You are checking for bruising, pattern marks, breathing difficulties, and/or any other injuries on exposed areas.

Be specific in your documentation:

- Indicate the children you talked to and the areas of the body you examined.
- List names of children you did not see and why not.
- Describe the condition of the house, including the presence of drugs and medications.
- Articulate any concerns you have for the child.

If there is immediate concern for the welfare of the child, either as a result of the check welfare or due to the parent's refusal to allow access to the child, remain at the scene and call the Dependent Child Unit supervisor and Child Protective Services.

2617.4 Responding to Calls Where a Parent or Caregiver is the Suspect

- **Prior to Arrival:** When violence is occurring, call takers should ask if children are present. If so, determine how many children there are and their ages and



location. First responders should be informed of any background information on the location that indicates children may be present.

Call takers should ask that the children be removed from the scene of the violence, if possible.

- **At First Contact:** Check for signs that children may be present and ascertain their whereabouts. If possible, remove children from the immediate area.
- **During the Investigation:** Officer safety is always the priority. These procedures should be followed only when officer/citizen safety is not compromised.
 - When possible, interview parents away from children. Do not demean or speak badly of the child's parents. Children are more likely to see officers as helpful if parents are treated with respect. Express concern for the children- this may help the parent focus on the child which may cause them to de-escalate their behavior. Avoid making an arrest/handcuffing a parent in the child's presence. If the parent is cooperating, allow the parent to comfort the child and explain who will be taking care of them.
- **Contacting the Children:** Once the scene is secure, take the time to talk to the children to provide comfort, reassurance, and information.
 - Sit or kneel so that you are at the child's level
 - Check for injuries
 - Introduce yourself and explain in simple terms why you are there: "someone called because they were worried about you and your family" or "someone called because they thought you needed some help."
 - Acknowledge that something upsetting happened and stress that it is not the child's fault.
 - If the child witnessed use of force, explain in terms he or she will understand. "Mom was out of control and we needed to make her stop. She is ok now and sitting in my car."
 - Be realistic- don't say everything will be ok or make any promises. Reassure the child that you are going to make sure they have a safe place to stay until this situation gets worked out.
 - If the child is old enough, provide information about the initial appearance.
- **Before Leaving the Scene:**
 - If there is no parent to care for the child, and/or if the child witnessed domestic violence, contact Child Protective Services. Do not allow the children to go with anyone without CPS permission. When transferring the child to a caregiver, be sure to take along any medications, change of clothes, and items of comfort.



- Provide the caregiver information concerning arraignment times and answer any questions they or the children may have about the process.
- Document in the case report the name and contact information of the caregivers.

2618 Responding to Sex Crimes Scenes

With the advances in DNA technology, our ability to perform meaningful analyses on trace evidence has drastically improved. Therefore, the collection and preservation of evidence has become more important for prosecution, and more complicated. The potential for scene contamination has also increased. Hair, skin cells, and saliva are examples of trace evidence that may be left by a suspect or an officer.

Officers should be aware that DNA and other forensic evidence are typically transferred during a physical encounter. Therefore, as the suspect's person is considered a crime scene, he/she shall not be left alone until possible evidence is collected.

To avoid scene contamination, officers should limit the number of people allowed inside a crime scene and should keep a log of the names of those that enter the scene and reason for entry. Those in and around the scene should wear gloves, shoe covers, etc. to avoid leaving their own DNA at the scene. Crime scene personnel should be consulted reference questions concerning the best method of evidence collection and preservation.

It is preferred that involved parties remain at the scene if possible. Do not immediately transport the victim to a hospital unless injuries require immediate attention. A Family and Sex Crimes Supervisor will authorize a forensic evaluation when appropriate.

In some cases, victims of sexual abuse cases may be eligible for the payment of expenses associated with the collection of evidence. Officers shall make no promises concerning the payment of medical bills. Investigators or transporting officers shall, prior to the service being provided, advise the victim that issues of payment are between the victim and the medical facility.

Adult victims of sexual assault may remain anonymous and still have a sexual assault examination completed and evidence preserved. In this case, officers will be dispatched after the kit is complete. The officer shall provide the case number to the Sexual Assault Nurse Examiner (SANE) advocate, complete a 61.01- Miscellaneous Officer case report, and place the kit into evidence.

2619 Child Protective Services (CPS)

If an officer believes a child has suffered or will imminently suffer abuse or neglect, the officer shall call the Child Abuse Hotline, using the law enforcement number (this number shall not be given out to the public). Officers should provide:

- Officer's name and contact number
- Names and ages of children involved
- Names of parents or guardians, including mother's maiden name
- Location of events



- Reason for concern for the child(ren)'s welfare
- Relatives or others available for emergency care
- Information concerning the mental and physical health of the children
- Names and contact information for others who may have information regarding the abuse or neglect of the child.

2619.1 Temporary Custody Notice (TCN)

A child may be taken into temporary custody under the following conditions:

- Suspicion of physical or sexual abuse.
- Suspicion of neglect.
- Any situation where there is potential for harm to the child.

A Temporary Custody Notice shall be given to the parent or guardian within six hours of removal. Notice shall be given within 24 hours if the parent is out of state. If the parent or guardian is not present, notice will be given to someone at the residence or posted at the location. If the place of residence is not known, a reasonable effort shall be made and documented to locate and notify the parent or guardian. CPS hotline shall be contacted whenever a TCN is served.

2619.2 Southern Arizona Children's Advocacy Center (SACAC)

SACAC is a non-profit agency that provides a one-stop, child friendly environment for interviews, medical exams, and collection of forensic evidence. SACAC staff is trained in forensic interviewing, victim advocacy and child development. The center is available for use in any case where a juvenile is a victim or a witness of a crime, and should be considered whenever a juvenile is being interviewed after witnessing a traumatic event.

2620 ELDER ABUSE

The Pima County Elder Abuse Task Force is comprised of seven organizations working together as the law enforcement arm of a multi-disciplinary team. This team focuses on the needs of the elderly in Pima County.

The team focuses on crimes targeting the elderly because of their age (65 and over) and/or vulnerability. It investigates an assortment of crimes to include:

- Financial Crimes
- Domestic Violence
- Assaults
- Abuse/Neglect
- Theft

Investigations are referred to the team by a number of sources including the County Attorney's Office, Attorney Generals Office, Adult Protective Services, Department of Health Services, and local law enforcement.



The team also assists other units, as a resources and liaison to the elder community, in cases that require more crime specific training such as:

- Homicide
- Sexual Assault
- Robbery
- Aggravated Assault

The report of a missing elderly is handled initially by uniform patrol officers; the team will at times become involved with the search. Missing elderly are handled on a case by case basis considering such things as weather or health conditions. If assistance beyond patrol is required, the Home Invasion Unit (HIU) should be contacted.

The team is an active participant in "SAFE-E-Stop Abuse and Financial Exploitation of Elderly" which is Pima County's multi-disciplinary team geared to solving elder issues.

In addition to the investigative function, the team also has an educational commitment. The team is frequently involved in public, private, and governmental lectures and training on elder abuse.

2630 DEATH CASES

2631 General

The Tucson Police Department responds to and investigates all reports of human death in its jurisdiction. The scope of that response and the subsequent investigation will depend on the circumstances surrounding each incident. Usually, for example, hospice-enrolled cases will require the least investigation and homicides will require the most.

While the primary responsibility is the investigation of the circumstances surrounding the death to ensure that foul play was not present, other functions are also important. They include the notification of the next-of-kin, assisting the family with removal of the body, and providing for crisis intervention.

Officers shall not declare a person dead unless the situation involves a hospice death; the body is burned beyond recognition, is in a state of decay or rigor mortis, has been decapitated or otherwise shows obvious signs of death. In these cases it is not necessary to have paramedics examine the body to make a death pronouncement and due consideration of the security of the crime scene shall be maintained. In all other circumstances, or when any doubt exists, paramedics shall be called to make the death pronouncement.

Once the scene is secure, crime scene management and security will be of significant importance. Members must limit and document access to the scene and locate and identify anyone who may have information about the event. The incident command system shall be followed when necessary.



2632 Medical Examiner Cases

2632.1 Required Reporting

Statute requires that any person having knowledge of the death of a human being, including a fetal death, under any of the following circumstances, shall promptly notify the nearest police officer of all information and circumstances surrounding the death.

- When the deceased is not under the current care of a physician for a potentially fatal illness or when an attending physician is unavailable to sign the death certificate
- When the death resulted from violence
- When the death occurred suddenly when the deceased was in apparent good health
- When the death occurred in a prison
- When the death involved a prisoner
- When the death occurred in a suspicious, unusual or unnatural manner
- When the death was from disease or accident believed to be related to the deceased's occupation or employment
- When the death is believed to present a public health hazard
- When the death occurred during anesthetic or surgical procedures

2632.2 Officer Responsibility in Death Cases

A peace officer informed of a death meeting one of the above criteria is required to notify the county Medical Examiner and, except in deaths occurring during surgical or anesthetic procedures from natural diseases, promptly conduct an investigation of the facts and circumstances surrounding the death and report the results to the Medical Examiner.

2632.3 Exception to Requirement to Notify Medical Examiner

The statute provides for an exemption to this requirement, however: if the deceased was under treatment for accident or illness by prayer or spiritual means alone, in accordance with the tenets and practices of a well-recognized church or religious denomination and death occurred without a physician in attendance. The person who has knowledge of the death shall report all information regarding the death and circumstances surrounding it directly to the county Medical Examiner.

2633 Detective Call-Out for Death Cases

The Homicide Detail will be called immediately under the following circumstances:

- All homicides and suspicious death cases, except juvenile deaths that occur in-home.
 - An in-home death is defined as a death occurring while the child, (under 18 years of age), is in the care of a parent, guardian, babysitter, or childcare facility. In-home child death cases are referred to the Dependent Child Unit (DCU) for investigation.



- All shootings where an officer fired his weapon at another person.
- Cases involving the death of a citizen while in police custody.
- Cases involving missing adults when foul play is suspected.

If the Homicide Detail Supervisor is unavailable, his replacement will be another Violent Offenses Section Supervisor or the Violent Crime Section (VCS) Commander. Current call-out information will be available through the computerized TPD WiKi system.

The Arson Unit Supervisor will be called in cases where a death occurs as a result of fire.

In traffic fatalities, the Traffic Investigations Unit will be notified.

The individual notifying the appropriate detail should be the person with the most information about the situation. In order to assist the respective detective details in making response decisions, this person should be able to provide as much of the following information as possible:

- A brief account of the incident
- An estimate of the number of witnesses and their locations.
- Some indication as to the size of the crime scene(s) to be processed.
- Information as to the location of the victim(s)
- Information about any known suspect(s) and their location(s)

2634 Duties at Death Cases

2634.1 Cases Requiring Detective Call-out

The Incident Commander shall ensure that the crime scene is secured immediately. Except for emergency medical treatment and transport to a medical facility, the body shall not be removed from the place of the death without permission of the Medical Examiner or a person performing the duties of the Medical Examiner. If death cannot be readily determined, it will be necessary for the body to be pronounced dead by a physician or paramedics.

On-scene officers shall make no alteration of the appearance or state of the body, clothing, or personal effects unless given permission by the Medical Examiner to do so. This includes looking through the victim's pockets for identification. The responding detective will notify the Medical Examiner. In the case of a homicide, a detective will complete the *Multi-Purpose Report* and crime scene diagram.

A search warrant is generally required for all evidence, unless the evidence is in plain view.

2634.2 Cases Not Requiring Detective Call-out

The Incident Commander shall ensure that a thorough investigation of the circumstances surrounding the death is accomplished. The *Multi-Purpose Report* shall provide enough information so that questions of the next-of-kin and the Medical Examiner can be



answered. This information, particularly in Medical Examiner cases, will include but not be limited to the following:

- The cause of death according to the doctor who will sign the death certificate. If none will sign, include medical problems, medication being taken, and attending physician.
- The victim's Social Security number, when available.
- The name of the person(s) who discovered the deceased.
- The name of the person(s) who last saw the deceased alive, and the time and circumstances when this occurred.
- The condition of the residence. Was there any sign of forced entry?
- A specific description of the position, condition, and location of the body including the clothing worn by the deceased.
- A statement as to why suicide is suspected, if that is the case. How was the suicide done? Is there a note? If there is a note, send a copy of the note to Records, and send the original to property. The Identification Unit will photograph suicide scenes when possible.
- The names, addresses, and telephone numbers of anyone having information about the case.
- A notation of any suspicions of drug or alcohol abuse. Include the reason the abuse is suspected, and the type of substance involved.

2634.3 Property Near or on Deceased's Body

The department is responsible for securing the property of the deceased. The investigating officer shall give the Medical Examiner permission to take any object or article found on the deceased or in the deceased's immediate vicinity which, in the Medical Examiner's opinion, may aid in determining the deceased's identity or manner of death. The officer shall prepare a *Property Invoice and Receipt* for the Medical Examiner to sign for the removal of such objects or articles.

Other evidentiary items in the immediate vicinity of the deceased, including effects of the deceased or instruments or weapons that may have been used in the death, shall be removed by the investigating officer and classified as evidence, not safekeeping. No property shall be taken from the scene for safekeeping without the permission of a supervisor.

2634.4 Moving the Body in Death Cases Not Requiring the Medical Examiner

In these cases, the body may be removed to any mortuary preferred by the next of kin.

2634.5 Notification of Next of Kin

In those death investigations where a detective call-out is deemed unnecessary, the initial responding Field Services personnel are responsible for identifying and notifying members of the decedent's family or next of kin. Field Services personnel shall make every reasonable effort to notify next of kin prior to the end of their shift. In most cases, personal contact by Victim Witness advocates, with the assistance of department



personnel, will be the method of notification. The method, time, person notified, and their relationship to the decedent shall be included in the case report.

When the next of kin does not reside within the city limits of Tucson, assistance shall be requested from the appropriate local law enforcement agency to facilitate notification via TWX. The jurisdiction contacted, the time TWX was advised, and the TWX operator's name and PR shall be documented in the case report.

In the event next of kin cannot be notified, the efforts put forth in attempting to identify and locate the next of kin shall be included in the case report. Additionally, prior to the end of their shift, the case officer shall call the Homicide supervisor advising that next of kin notification has not been made.

2635 Death Cases Involving Outside Jurisdictions

2635.1 Event Causing Death Occurred Outside TPD Jurisdiction

In Medical Examiner cases where the death occurred within TPD jurisdiction, but the event causing death occurred outside TPD jurisdiction, the appropriate outside police agency also shall be notified.

2635.2 Event Causing Death Occurred Within TPD Jurisdiction

In Medical Examiner cases where the death occurred outside TPD jurisdiction, but the event causing death occurred within TPD jurisdiction, the Homicide Unit and the Medical Examiner's Office shall be notified. At a minimum a *Supplementary Report* shall be completed by the case officer.

2636 Personal Representatives

For the purpose of handling the deceased's property, a personal representative will be appointed by the court to administer the estate. This may be a private party or the County Public Fiduciary. If the need arises, the investigating officer may contact the personal representative regarding any of the deceased's property in the possession of the department.

2637 Cold Case Homicide Unit

An unsolved or cold case homicide is any murder, suspicious death, or missing persons (circumstance dependent) case that is over 2 years old and is no longer assigned to the original case detective.

2637.1 Initial Case Review

The Homicide Cold Case review team consists of Cold Case Homicide Unit detectives, the Homicide supervisor, a Pima County Attorney's Office (PCAO) investigator (if assigned), a PCAO Prosecutor, Crime Lab personnel, Latent Print examiners, and any other personnel with specific knowledge or skills deemed pertinent to a specific case (i.e. pathologist, forensic anthropologist, criminal analyst, etc.). Solvability factors used to



identify cases that have the greatest potential for resolution during the initial case review process include, but are not limited to:

- Suspect is known or identified
- Physical evidence exists
- Witnesses exist
- Motive identified
- Physical evidence exists and links suspect to victim or scene
- Evidence is viable (has not degraded)
- Statute of limitations does not apply
- Cause of death known
- Any other applicable factor

2637.2 Case Records

Unit members are responsible for the maintenance and security of the cold case file room, data entry (unsolved homicide database), the recording of investigative actions related to these cases.

2640 SPECIAL INVESTIGATIONS DIVISION

The Special Investigations Division is responsible for investigations involving organized crime, gang crime, home invasions, municipal related matters, hate crimes, and specialized intelligence matters. Special Investigations provides undercover support for various investigative units. Records relating to gangs, organized crime, and certain narcotics investigations are maintained and secured by Special Investigations. Confidential funding for undercover operations associated with these investigations is administered by the Division Commander and is audited regularly. Monthly management reports of activities in gangs, organized crime, and home invasions are reported through the chain of command to the Chief of Police.

2641 Organized Crime Unit

The Organized Crime Unit of the Special Investigations Division (SID) handles various types of criminal investigations. If the Organized Crime Unit supervisor is unavailable, inquiries or questions can be directed to the Home Invasion Unit Supervisor.

Examples of the types of investigations handled by the Organized Crime Unit are:

- Traditional and non-traditional Organized Crime Groups, which by definition would fall into the category of a "criminal syndicate."
- Public disorder groups. This is any group that participates in:
 - Unlawful protests
 - Unlawful Sit-ins
 - Trespassing to gain attention for a specific cause
 - Criminal Damage where the damage is done to specifically draw attention to a specific cause



- Sensitive criminal investigations involving other city departments or criminal allegations against city personnel while on duty.
- Outlaw motorcycle gangs. Officers shall forward any contact with or any intelligence gathered on members of an Outlaw motorcycle gang to the intelligence section. Information regarding the following details are always helpful:
 - Patches worn
 - Tattoos
 - Number of riders riding together
 - Any military medals worn i.e., Swastika or Iron Cross
 - Monikers – these are worn on the front of the colors and denote the official club names of the gang members.
- Contract murder investigations.
- Death threats against department members
- Diplomatic security for visiting dignitaries.
- Security issues involving the City Manager, Mayor, City Council Members, and other city officials.

2642 Arson and Fire Investigations

The Tucson Police Department and the Tucson Fire Department respond to and jointly investigate incidents determined to be arson or fires involving death or serious injury. The scope of response and the subsequent investigation will depend on the circumstances surrounding each incident.

The primary responsibility of the TPD Arson Detective is investigation of the circumstances surrounding arson and death, or serious injury fires, and follow-up in cases involving explosives. This may include the notification of the next-of-kin and providing for crisis intervention (TFD usually will notify the Red Cross to provide temporary shelter).

The Tucson Fire Department responds to all fires and the on-scene TFD supervisor determines if a TFD Fire Investigator is needed at the scene. The TFD Fire Investigator or a TPD supervisor contacts the Organized Crime Unit supervisor to request the assistance of an Arson Detective.

The TFD Fire Investigator's primary duties are to determine the origin and cause of the fire. Upon determination that the fire is suspicious in nature, the TFD Fire Investigator or a TPD supervisor will request the assistance of an Arson Detective, due to the possible criminal nature of the incident. The TFD Fire Investigator will contact the TPD Organized Crime Unit supervisor in all death and serious injury cases. In death cases, the Arson Detective will request assistance from the TPD Homicide Detail.



2642.1 Arson **Call-Out**

The Organized Crime Unit supervisor will be called immediately on fire related deaths or serious injury cases. Call out will be made on all:

- Major property loss fires (to be determined by the Organized Crime Unit supervisor).
- Fires involving suspect in-custody, known suspect.
- Any serial arsons and fire-settings to be determined by the Organized Crime Unit supervisor.
- High profile fires (schools, hospitals, government buildings, etc.).
- Vehicle fires with a suspect in-custody or suspect identification known.
- Any time a TFD Fire Investigator requests a TPD Arson Detective.

Detectives may not need to be called for on-scene investigation in the following incidents:

- The TFD Fire Investigator determines that the fire is accidental or of natural causes (lightning strikes, etc.).
- Vehicle arson where there is no suspect in-custody or suspect information.
- Misdemeanor reckless burning (Officer on-scene can issue citation).
- Fire scenes without suspect information.

The individual notifying the Organized Crime Unit will be the person with the most information about the situation. This person will be prepared to:

- Provide a brief account of the incident.
- Provide an estimate of the number of witnesses and their locations.
- Provide some indication as to the size of the crime scene(s) to be processed.
- Provide information as to the location of the victim(s).
- Provide information about any known suspect(s) and their location(s).

Understandably, not all of this information may be readily available. However, this information will allow the unit supervisor to make decisions about the number of detectives required and where the detectives should be sent.

2642.2 **Duties of Incident Commander at an Arson/Fire Scene**

The Incident Commander shall ensure that the crime scene is secured immediately and the perimeter will include the yard or immediate ingress and egress. Except for emergency medical treatment and transport to a medical facility, the body shall not be removed from the fire scene without permission of the Medical Examiner or a person performing the duties of the Medical Examiner. If death cannot be readily determined, it will be necessary for the body to be pronounced dead by a physician or paramedic.

**TUCSON POLICE
DEPARTMENT
GENERAL ORDERS**



**VOLUME 2
GENERAL OPERATING
PROCEDURES**

2600 INVESTIGATIVE PROTOCOLS
Issued May 2001

On-scene officers shall make no alteration of the appearance or state of the body, clothing, or personal effects unless given permission by the Medical Examiner to do so. This includes looking for victim identification at the scene. The responding detective will notify the Medical Examiner.

If the scene requires a search warrant for securing evidence, the Arson Detective will obtain such. The Tucson Police Department Arson Detective will notify the City of Tucson Building Safety Department if the Tucson Fire Department has not done so.

2643 Intelligence Information

The Organized Crime Unit collects, evaluates, disseminates and purges timely intelligence information (in compliance with "SID Intelligence File Guidelines", conforming to Federal Guideline 28 CFR Part 23) detailing current trends, problem areas, and possible solutions to affected departmental personnel and units. The Organized Crime Unit shares information and coordinates efforts with other law enforcement agencies with the need and right to know. The Organized Crime Supervisor is responsible for providing a monthly activity report to the SID Commander.

2644 Street Crime Interdiction Unit

The Special Investigations Division Street Crime Interdiction Unit provides undercover officers for many different agency needs. The focus of this unit is to supply undercover resources to infiltrate criminal activities that are related to violent and gun crimes. While the focus of this unit is not specifically narcotics and dangerous drugs the nexus of narcotics and dangerous drugs to violence and property crimes are evident. Any long-term narcotic investigation shall be assigned to the Counter Narcotics Alliance unless prior approval from the Division Commander or designee.

The unit will also focus on providing undercover resources to assist the Home Invasion Unit, Organized Crime, Gang and GTAC Units with Domestic and Foreign Terrorist Threat Assessments, Civil Disturbance Threat Assessments, Organized Crime Investigations, Hate Crimes Investigations, Gang Investigations, Prison Gangs and other concerns of the Special Investigations Division. The Street Crime Interdiction Unit Supervisor is responsible for maintaining a record of complaints received that lists origin of the complaints, how the complaints were processed and final disposition of the investigations. The Street Crime Interdiction Unit Supervisor is responsible for providing a monthly activity report to the SID Commander.

2645 Home Invasion Unit

The Home Invasion Unit will be the primary investigative unit for all home invasions that do not involve homicide or an obvious sexual motivation. In the case of a home invasion with a homicide, the Homicide Unit will be the primary unit, and the Home Invasion Unit will respond to assist by providing and collecting timely information to guide ongoing investigative efforts. In the case of a home invasion with an obvious sexual motive, the Adult Sexual Assault/Child Sexual Assault/SORT unit will respond as the primary investigative unit.

The following are indications that a home invasion has occurred:



- Entry into the residence was made by force.
- Typically, the crime is premeditated, although in rare instances an opportunistic robbery may still qualify as a home invasion. Premeditation can be distinguished by the apparent level of planning that went into the incident, how well organized the suspects were.
- The suspects used sophisticated or advanced weaponry or gear.
- Multiple suspects are involved, typically portraying themselves as law enforcement, and by suspect action, the group demonstrates that they are an organized home invasion crew.
- The suspects usually conceal their identity using masks, bandanas and/or common clothing.
- The objective of the robbery is money or narcotics, although other items of value can sometimes be substituted, especially when the suspects accidentally strike the wrong residence and the victims are truly innocent.

2646 Kidnapping

The Home Invasion Unit will be the primary investigative unit for kidnappings that do not have a Domestic Violence or Sex-Crime nexus. In those instances, the DV and/or ASA/CSA/SORT units will respond as the primary investigative unit. INFO KIDNAPPING.

2647 Missing Adult Investigations (aged 18 and over)

The Mental Health Support Team will be the primary unit responsible for investigating missing adult cases with a mental health nexus. All other missing adult cases should be referred to the Home Invasion Unit. This includes all missing persons who are aged 18 or over. Patrol should complete a missing person packet before requesting either the Home Invasion Unit or MHST Unit.

2648 Forfeiture Investigations

The Home Invasion Unit is responsible for the initiation and follow-up investigations of all incidents generated by the Tucson Police Department where the seizure of assets is appropriate. Persons assigned to this function coordinate with case officers/detectives and generate a complete case file for timely submission to the prosecutor's office. This includes identifying possible claimants and determining the value of property, vehicles, currency, storage, etc. The following tasks are also the responsibility of personnel assigned to these investigations:

- Maintain a comprehensive database to catalog and track the disposition of all assets seized.
- Audit of financial documents and related courtroom testimony.
- Attend advanced training and conduct asset forfeiture training for department members.
- Coordinate with the Evidence Section regarding the disposal of awarded property and the return of non-awarded property.
- Coordinate with the TPD Budget Section and other Federal, State, and City agencies regarding the deposit and distribution of currency with City Collections and the Clerk of the Superior Court.
- Coordinate with the TPD Administrative Resources Section regarding the disposal of awarded vehicles.



2649 Gang Interdiction Section

2649.1 Gang Investigations Unit

The Gang Investigations Unit has primary investigative responsibility for cases involving a suspect or victim who is suspected of being a member of a prison, motorcycle, or street gang. These include:

- Homicides involving gang members.
- Gang related aggravated assaults.
- Robberies where a gang member is involved.
- Other serious gang-related crimes except:
 - Officer involved shootings where a gang member is involved (handled by homicide).
 - Dependent child deaths (handled by Dependent Child Unit).
 - Burglaries (handled by Burglary).
 - Child Sexual Assaults (handled by Child Sexual Assault Unit).
 - Adult Sexual Assaults (handled by Adult Sexual Assault Unit).

The Gang Unit also may respond when information is received in reference to:

- A planned drive-by shooting.
- A retaliation assault.
- Possible gang violence, which is to occur at a particular time and/or location in the future.

The Gang Investigations Unit collects and maintains intelligence information concerning gang affiliation and identification of members. This database has information concerning gang members and associates.

2649.2 Gang Tactical Squads (GTAC)

The Gang Tactical Squads handle street level gang interdiction. The unit responds to neighborhoods that are experiencing specific problems with gang members in their community. The officers of GTAC will address any on-going criminal activity involving gang members. This includes but is not limited to:

- Drug activity.
- Prostitution.
- Threats and intimidation against law-abiding members of the community.
- Stash and/or flophouses used by gang members.
- Targeting repeat offenders who are gang members.

2649.3 Gang Outreach Unit (GOU)

The mission of the Gang Outreach Unit is to reduce gang membership and prevent at-risk children from joining gangs through intervention, mediation, and enforcement by partnering with families and the surrounding community of elementary and middle school



children who are at risk of joining gangs. The Unit completes an annual written review and evaluation of all juvenile enforcement and prevention programs.

The Gang Outreach Unit accomplishes their mission by:

- Identifying children who are at risk of joining a gang.
- Intervention for at risk children through a referral program.
- Identifying and providing community and public resources to the families of at-risk children to improve the family dynamics.
- Providing enrichment to children by utilizing educational and recreational activities.
- Providing gang identification training for local community organizations, schools, and families.
- Increasing communication between the Tucson Police Department, community organizations, and citizens.
- Improving training within the Tucson Police Department with their approach to at-risk youth.

2650 PROPERTY CRIMES

2651 Burglary Unit

2651.1 General

The Burglary Unit investigates residential and business burglaries. . The unit will respond when a detained suspect is willing to give a statement, multiple cases are involved, substantial property is recoverable, a search warrant is required, case clearances may be gained, or an ATL for that detained suspect is in effect.

As a reminder, garages are considered residential structures and vehicles are considered non-residential structures. Apartments and businesses where there are distinct victims require separate reports.

2651.2 Procedure

Members shall contact the victim or responsible person and obtain any immediate suspect information, including the vehicle information and issue an ATL. Include a description of any item or items taken (remember to utilize small unit tactics and bulls-eye deployment as appropriate for in-progress burglaries).

Documentation shall be in the form of a *Multi-Purpose Report* and shall include at a minimum:

- Date and time the structure was secured and by what method (if applicable).
- Any sign of forced entry and description. If not forced, document who has keys.
- Thorough description of all items taken with model and serial numbers. Contact TWX operator as may be appropriate.



- Any distinct characteristics such as “cat burglary” or “smash and grab.”
- Description of the premises, suspect and suspect vehicle.

The processing of the crime scene shall be thorough, and members shall request ID as necessary, process for fingerprints or other physical evidence as needed, complete a *Mail-in Form* (filling out upper portion for victim/case priority closure statement on reverse side) and check area for witnesses including neighbors, friends, etc.

Officers shall notify a supervisor if:

- The burglary involves city property.
- The suspect is detained.
- There is significant loss, liability exposure, or if a structure cannot be properly secured, etc.

2652 Auto Theft

2652.1 General

The Auto Theft Unit investigates all auto thefts, embezzlements, unlawful use of means of transportation, and assists with VIN offense investigations and “chop shops.” The Auto Theft Unit will respond when:

- Suspects will provide a statement,
- Suspects will discuss other auto thefts/recoveries.
- A search warrant is necessary.
- For intelligence purposes.
- The suspect is a targeted offender.

2652.2 Procedure

See *General Orders* reference Stolen/Embezzled Vehicles. Officers taking a stolen vehicle report shall notify a supervisor if:

- City property is involved.
- A suspect is detained.
- There is significant evidence of method of operation (MO).

2653 Fraud

2653.1 General

The Fraud Unit assigns all felony fraud cases involving arrests. Officers will notify the unit:

- When the suspect is willing to give a statement,
- There are multiple victims and high dollar amounts involved.



- Evidence can be obtained by a search warrant.
- The situation needs the expertise of a fraud detective, e.g. where there is a large volume of financial documentation.

The unit may also investigate extensive credit card theft/fraud, internet fraud, identity theft, trademark or manufacturing fraud, fraudulent schemes and pyramid/scams, counterfeiting, and embezzlements.

2653.2 Procedure

- Closed Account or Non-Sufficient Funds Checks
 - Have the victim contact the Pima County Attorney's "Bad Check Program" at 32 North Stone Avenue. The victim will need the check in order to be accepted into the program.
- Misdemeanor Arrest Situations

If probable cause exists, a misdemeanor arrest will be made for:

- Cases involving the fraudulent use of a credit card totaling amounts less than \$2,000 will be handled as a misdemeanor (PCAO Issuing Policy).
- Forged check (document) cases involving the theft or attempted theft-totaling amounts less than \$2,000 will be handled as a misdemeanor (PCAO Issuing Policy). Felony charges may be considered with respect to forged checks if:
 - The suspect forged more than four checks regardless of the dollar amount.
 - The suspect forged four checks or fewer but the combined dollar amount is more than \$2,000. "Attempted Theft" for the potential loss, except for the crime having been interrupted or stopped.

(Note: Although Statutes consider forgery to be a felony, only those forgery cases involving a loss of \$2,000 or more will be handled as a felony. No Waiver exists for forgery; however members may pursue misdemeanor charges for any theft or attempted theft associated with any forgery.)

- Acquisition of Prescription-only Drugs by Fraud, Deceit, Misrepresentation or Subterfuge means a misdemeanor arrest can be made with probable cause.

(Note: Forgery of the prescription is a felony (see below) but the arrest is for the acquisition of the prescription-only drugs done by the forgery.)

- Felony situations
 - Officers shall complete a *Multi-Purpose Report*, including what was forged, defrauded or stolen and particularly describe how the fraudulent



instrument was presented. Witness and any suspect information are critical. Credit cards and other physical evidence shall be collected and processed as necessary.

- Officers shall notify a supervisor when:
 - The suspect is willing to give a statement.
 - There are multiple victims and high dollar amounts involved.
 - Evidence can be obtained by a search warrant.
 - The situation needs the expertise of a fraud detective, i.e. where there is a large volume of financial documentation.

2654 Identity Theft

2654.1 General

Victims of identity theft may contact the Tucson Police Department to report their victimization, though many may reside outside of Tucson's jurisdiction. ARS 13-2008 requires that a report shall be taken by a peace officer:

- In any jurisdiction in which an element of an offense under this section is committed.
- As a result of an offense that occurs under this section.
- Or the person or entity whose identity is taken or accepted resides or is located.

2654.2 Reports

After an initial identity theft report has been filed, the follow-up process to include the consent waiver will be handled by the Fraud Unit.

The FBI has added a file to ACIC and NCIC titled the NCIC Identity Theft File. The Identity Theft File serves as a means for law enforcement to "flag" stolen identities and identify the imposter when encountered. The file is created for the victims of identity theft, not the perpetrators. When an identity theft victim files a police report and signs a consent waiver to have the file entered, an entry will be made into ACIC and NCIC.

If an entry is listed, it will alert when a 10-29 in ACIC/NCIC is conducting. The victim will have preselected a password that will be listed in the entry as PWD/ (actual password). Victims will be able to identify themselves by utilizing the password. The FBI cautions that, "Officers should be cognizant that the individual should not be arrested or detained based solely upon the information contained in the positive response from the Identity Theft file. This response should be considered along with additional information or circumstance surrounding the encounter before any action is taken."

If a record check reveals the person being detained may be a suspect in an identity theft and cannot identify him or herself by giving the correct password, officers should immediately contact the Fraud Unit supervisor.



2654.3 Coordination

The peace officer or victim may provide a copy of the report to any other law enforcement agency that is located in a jurisdiction in which a violation of this section occurred as appropriate. The Fraud Unit will be responsible for the coordination and notification of other law enforcement agencies of incidents within their jurisdictions or which may involve their jurisdiction in some manner. This will occur at the discretion of the Fraud Unit Sergeant based on the availability of investigative leads and information.

2654.4 Identity Theft Information

Victims of identity theft and the general public should be directed to the Tucson Police Department's web site for information regarding identity theft and fraud. If a victim does not have access to a computer for this information, pamphlets may be obtained in the Fraud Unit or at any of the substation lobbies.

2654.5 Victim Assistance

Victims of identity theft should be given the following steps to take in the event they find themselves to be victims:

- Place a fraud alert on you credit reports, and review your credit reports.
- Close the accounts that you know, or believe, have been tampered with or opened fraudulently.
- File a police report.
- File a complaint with the Federal Trade Commission.

2654.6 Prevention

The Fraud Unit in conjunction with the Identification section has developed a "Guidelines on Identity Theft" manual. A copy of this manual can be located in the Fraud Unit, Records or Identification Section. This manual outlines the procedure to follow when a person finds they have a warrant for their arrest, which they believe involves identity theft and occurred within the city limits of Tucson. The victim may challenge the warrant through a challenge and review process. The Fraud Unit should be contacted for further questions regarding this process.

2655 Interstate Movers / Department of Weights and Measures

2655.1 General

Interstate moving companies quote prices based either on weight or volume to people moving from elsewhere into Arizona. Unscrupulous companies give an artificially low bid. They load the customer's property, then notify the client that they owe more than the original agreement, sometimes thousands of dollars more. Interstate transportation of household goods is governed by both state and federal law. Arizona Department of Weights and Measures (ADWM) have enforcement powers under Arizona Revised Statutes, Title 41, and can respond to these situations.



When an ADWM agent calls Communications, the call should be dispatched as "Other Agency Assist." The primary officer will back up the ADWM agents. If a Level 1 commercial vehicle inspection is indicated, the primary officer may request assistance from a CVE unit, provided one is available.

If a citizen calls Communications with a potential "rogue mover" situation involving an interstate move, that citizen will be referred to the Department of Weights and Measures, with the contact numbers listed in TPD WIKI under "MOVERS-FRAUD."

2655.2 Options in the Field

Once an officer is on-scene with ADWM, the movers, and the clients, the ADWM agent will explain the three options to the mover:

- Honor the original price
- Accompany ADWM to a Weigh Station, both before and after off-loading, where weight and volume can be certified
- Attempt to leave and face criminal charges

The agent will obtain all paperwork from the consumer and the mover. Occasionally, the investigation by ADWM will result in additional charges to the consumer.

2655.3 Attempt by the Mover to Leave with the Customer's Property

If the mover attempts to leave with the customer's property, the TPD officer can detain them and, at a minimum, charge them with violating ARS 41-2113, "Department of Weights & Measures/Regulation/Violation," a Class 1 Misdemeanor. Other charges to consider, depending on the circumstances, include the following:

- ARS 13-1802(A)(2)- Theft by Conversion (class based on property value)
- ARS 13-1802(A)(3)- Theft by Misrepresentation (class based on property value)
- ARS 13-1803(A)(8)- Theft by Extortion (C4F)
- ARS 12-2310- Attempted Fraudulent Schemes and Artifices (C3F)
- ARS 12-2311- Fraudulent Schemes and Practices (C5F)

If charging ARS 41-2113, ensure that the charging document specifies the court of jurisdiction as Justice Court. If in doubt as to the appropriate charge, contact a department Legal Advisor.

2655.4 Impoundment of Moving Vehicle

If the mover is arrested, the Arizona Department of Weights and Measures will impound the vehicle, and the offending company will pay associated costs. In cases where a vehicle fails inspection by a Commercial Vehicle Enforcement officer, those procedures will take precedence. Offloading of the victim's property (by ADWM, family, non-custodial moving personnel, etc.) will be allowed prior to impoundment.



2660 NARCOTICS INVESTIGATIONS

2661 General

The Tucson Police Department recognizes that narcotic transactions at the street and user level have a profound impact on the quality of life within a community. The department is committed to working with the community and other law enforcement entities to curb narcotics crime and the collateral crime associated with illegal narcotics activities. Members involved in buy/busts, reversals, money flashes or search warrants shall follow the procedures in *General Orders 2665*.

2662 Counter Narcotics Alliance (CNA)

Counter Narcotics Alliance (CNA) is a multi-agency drug enforcement task force housed within the High Intensity Drug Trafficking Agency (HIDTA) Intelligence Center. A number of Tucson Police Department civilian and commissioned personnel are assigned to CNA. CNA operations are generally covert and are directed to those activities that are largely unenforceable by uniformed personnel or overt law enforcement techniques.

2662.1 Mission Statement

To disrupt the distribution and sale of narcotic and illegal drugs in Pima County by utilizing the resources of law enforcement agencies in a co-located, multi-level effort. CNA accomplishes its mission by:

- Investigating targets to reduce drug trafficking, drug-related violence, profits from drug smuggling, and street gangs that are involved in narcotics trafficking
- Encouraging and promoting continued interagency cooperation and training between the member agencies of CNA and other agencies nationwide
- Participating in programs to educate and increase public awareness of substance abuse problems and remedies

2662.2 Organization

The Chief Executive Officer of each participating agency or his/her designee is a member of the CNA Policy Board. Each member will have an equal vote on any matter coming before the Board. The Policy Board meets on a bi-monthly basis and is responsible for monetary oversight of CNA and setting objectives, goals, and policies.

A Tucson Police Department Captain commands CNA and reports directly to the Policy Board. Three (3) lieutenants from participating agencies are assigned to CNA and report directly to the captain. The lieutenant(s) are responsible for the activities of the various squads that make up CNA operations.

CNA is divided into various squads that have specific responsibilities toward achieving the overall mission. A sergeant from one of the participating agencies supervises each squad.



- **Street Level Enforcement Squad:** As the name implies, this squad concentrates its efforts toward dealers at the street or users level in the drug trade hierarchy.
- **Interdiction Squad:** This squad works with the various mail carrier agencies and businesses to intercept contraband or money being sent to and from drug traffickers locally and throughout the country.
- **Detective Squad:** This squad is comprised of detectives who are responsible for follow-up and issuing for prosecution of all felony narcotics and illegal drug arrests made by TPD patrol officers. This squad supports other CNA squads on long-term investigations and self-initiates complex criminal investigations.
- **Mid-Level Conspiracy Squad:** This squad targets mid to high-level drug traffickers utilizing various sources of information, including wiretaps.
- **Financial Remedies Squad:** The civilian financial investigators and detectives assigned to the Financial Remedies Squad support the other CNA squads by conducting financial analysis of investigative targets and processing seizures of property or other assets obtained by drug traffickers through illegal activities.

CNA also has ongoing agreements with Federal agencies to assign agents to various Federal task forces in exchange for Federal agents being assigned to CNA. The Federal task forces include the HIDTA Task Force (located at the HIDTA Center), the DEA Transportation Group (assigned to CNA and located at the HIDTA Center), the United States Customs Group II, and the HIDTA Financial Task Force (located at the HIDTA Center). CNA has a detective assigned to the DEA Pharmaceutical Group that is assigned to the DEA office.

2662.3 Operations

Units conducting ongoing drug investigations shall contact a CNA representative to gather intelligence on the target and to determine whether or not CNA is already working the target. This is for the safety of all involved. CNA will assist in follow-up investigations as per their policies and is available to member agencies to conduct investigations.

2663 Street Level Narcotics Section

2663.1 General

The department is a participant in the multi-jurisdictional Counter Narcotics Alliance (CNA). The Street Narcotics Section is administered and housed within the CNA.

Street level narcotic investigative squads address the quality of life within a community that is affected by illegal drug activity. These squads consist of detectives, undercover officers and supervisors who report to the Street Level Narcotics Section Commander. The street level narcotic squads will direct their primary efforts toward the investigation and apprehension of street level narcotics offenses.



The street level narcotics squad will, to the extent possible, be responsive to the identified drug problems within the various divisions. The street level narcotic squad may conduct investigations independently or assist team assets, such as the Community Response Team (CRT) squads, in addressing these problems.

The detectives assigned to the street level narcotics squads will provide investigative support for all narcotic arrests requiring follow up. These detectives will also provide support to the field division for current street level investigations, assisting with search warrants or other narcotic related investigative functions.

2663.2 Officer Responsibilities

Field officers who encounter areas of narcotic activity within their beat may benefit from contacting the CNA. The street level squad will be most effective if the field officer is able to provide information such as specific locations, suspects, vehicles and times transactions are occurring. The field officer will contact the appropriate CRT squad for initial support. The CRT squad will notify the street level narcotics squad supervisor and coordinate investigative assets. Officers may contact a Street Level Narcotic Squad detective for assistance with narcotic related search warrants or other street level narcotic investigative support.

2664 Seizure for Forfeiture of Assets

Forfeiture actions resulting from cases initiated or adopted by the CNA will be handled pursuant to CNA policy and procedure. Forfeited assets derived from CNA cases must be awarded to the CNA. Investigations not carried by the CNA that require forfeiture action should be referred to the Special Investigations Division Financial Remedies detective.

2665 National Intranet Narcotic Joint Agency System (NINJAS)

The purpose of the National Intranet Narcotic Joint Agency System (NINJAS) is to provide a resource to officers working narcotics cases to avoid conflicting with another agency's investigation and ensure the safety of law enforcement officers in Southern Arizona working such cases. Information on buy/busts, reversals, search warrants, and money flashes are the primary categories of concern. The information needed in the notification process is minimal so as not to jeopardize any case.

All units that may become involved in the above activities shall utilize the NINJAS system. TPD personnel authorized to access NINJAS shall be sergeants and above and must be registered in advance with the CNA commander who shall act as the TPD liaison to the NINJAS system. Division Commanders shall be responsible for providing the CNA commander with names of authorized personnel for their division. Persons accessing the NINJAS must be registered before any information about a possible conflict with another agency/unit will be released.



2665.1 NINJAS Procedure

A sergeant/commander supervising any buy/bust, reversal, search warrant, or money flash shall insure that de-confliction notification is made through NINJAS. Only those who are registered with the NINJAS system can make notification. All CNA supervisors have access to NINJAS and may be contacted to assist in the de-confliction process.

2670 OTHER INVESTIGATIVE INFORMATION

2671 Habitual or Serious Offenders

It is commonly accepted that repetitive offenders account for a large percentage of criminal activity in any community. One strategy used by the Tucson Police Department to reduce crime is to target habitual or serious offenders by the legitimate enforcement of existing laws followed by aggressive prosecution.

The Tucson Police Department has taken a decentralized approach to the problem of habitual or serious offenders. Generally, habitual or serious offenders are defined as those offenders with two or more of the following characteristics:

- Has a history of two or more felony arrests.
- Is a suspect in a felony and/or has warrants.
- Has prior criminal history.
- Is presently on probation or parole.
- Has a history of violence or the illegal use of weapons.
- Has a history of frequent police response/intervention.
- Engages in activity adversely affecting children or other vulnerable persons.
- Recruits people to criminal lifestyle.
- Associates with known felons.
- Intimidates witnesses or victims directly or indirectly.
- Is a prohibited firearm possessor.
- Has a history of domestic violence offenses.
- Is a violent sex offender.
- Is a violent/armed robbery suspect.
- Is an aggravated assault or homicide suspect.
- Is a narcotics abuser/trafficker.

Detail sergeants shall review cases with an eye to the above criteria for habitual or serious offenders. Supervisors or Commanders may choose to create lists of habitual or serious offenders for targeting based upon the above criteria. It will be their responsibility to disseminate such lists to department members and to prosecutors as appropriate.

Detail sergeants will also identify, through the case review process, those cases that involve a habitual or serious offender. Selection of these offenders or cases for extraordinary enforcement and prosecution will be reviewed by the chains of command through at least the level of section commander.



Prosecution efforts need to be coordinated with the person or detail that designated the subject as a habitual or serious offender. The commander of each investigative section is responsible for ensuring that information on habitual or serious offenders is communicated to the appropriate prosecutorial entity at the time of the issuing appointment.

2672 Crime Analysis

2672.1 General

The analytical support role is intended to maximize the efficient use of investigative resources through the application of timely and accurate analytical techniques. The analyst will support criminal investigations by gathering relevant data, applying historical background data as needed, developing current assessments and preparing summaries of information for presentation to line officers, supervisors and management. The analytical support function may be utilized to assist in specific investigations, specific offenses or identifying and analyzing crime patterns for strategic planning.

2672.2 Sources and Reporting

The analyst function consists of obtaining relevant information, determining the meaningfulness of the information and presenting the information in a method consistent with the needs of the agency. Analysts may obtain relevant information from several sources, including but not limited to, law enforcement, criminal justice or government maintained databases, written reports and interviews, the Internet or other private organizations.

Analysts will utilize systematic techniques to collate and analyze the collected data depending on the data and the purpose of the analysis. The analysis may address a specific crime, type of crime, or attempt to identify crime trends both by type or geographic location.

Requests for analysis and the final analysis report are documented and a record maintained by the analyst. Information generated by the analysis will be disseminated electronically to agency personnel as needed. Information generated specific to the line function is also disseminated in paper form to line officers via briefing bulletins. A commissioned supervisor will determine what information is relevant and the proper methods of dissemination. The appropriate Division Commander will be briefed on activities on a weekly basis and provides a briefing to the Chief of Police on crime trends and patterns as appropriate.

2672.3 Crime Analysis Information

Analysis of crime includes a number of factors to link incidents together or determine commonalties. The factors considered in the crime analysis include the frequency by type of crime, geographic and temporal factors, victim and target descriptors, suspect descriptors, suspect vehicle descriptors, modus operandi factors, physical evidence



information and problem oriented or community policing strategies if applicable. The factors available and considered by the analyst are described in the analysis report.

2673 Polygraph Examinations in Criminal Cases

Requests for polygraph examinations in criminal cases shall be made through the requestor's chain of command. All department requests for such examinations from outside the Crimes Against Persons and Property Crimes Divisions (CAPD/PCD) shall be coordinated through a CAPD or PCD Division Commander. The Investigative Services Bureau Commander shall approve all requests for polygraph examination from outside agencies. Polygraph examinations shall not be used as a bluff or as a threat in order to elicit a confession, and shall be conducted by a certified examiner. The examiner may refuse to administer any test for cause.

No examination shall be administered to any juvenile without written or verbal permission from at least one parent, guardian, or a Superior Court judge having jurisdiction.

The examiner should be consulted as early in the investigation as possible and will meet with the investigator(s) in advance of the administration of the procedure to review the investigation and polygraph procedures. The investigator must provide the examiner with as many case facts and as much documentation as possible.

2680 TUCSON CITY CODE (TCC)

2681 General

The Tucson City Code (TCC) contains ordinances enacted by Mayor and Council under authority of the City Charter that may be criminal or civil in nature. Officers will refer to the code itself when investigating such cases. Frequently used ordinances are summarized below.

2682 False Alarm Ordinance

The department has established a commissioned officer position to conduct follow-up on violations of this ordinance. The officer will obtain monthly statistics to determine which businesses or residences need to be notified that they are in violation of the ordinance. The officer will work with the alarm companies and their customers to resolve continuing problems. The Tucson Police Department does not monitor commercial and private residential alarm systems.

2683 Unruly Gathering Ordinance

The Tucson Police Department will respond to any gathering of a loud and unruly nature. An "unruly gathering" is a gathering of five or more persons on any private property, which causes a disturbance of the quiet enjoyment of private or public property by any person or person(s). Such disturbances include, but are not limited to excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors, consumption of alcohol by minors, fighting, disturbing the peace, and littering.



The existing noise ordinance, Tucson City Code (TCC) Section 16-31, remains in effect. The Unruly Gathering Ordinance, TCC Section 16-32, provides additional violations for disruptive conduct. For Section TCC 16-32 to apply, there must be a complaint from a member of the public, even if the complainant is refused.

For there to be a violation:

- There must be a gathering of five (5) or more persons.
- This must occur on private property, to include property used to conduct business. In instances when a business is involved, not to include individual units at apartment complexes, a field supervisor shall be advised prior to issuing the citation and red tag notice.
- The gathering must cause a disturbance as a result of conduct described above. This does not preclude responding officers, nor absolve them of the responsibility, to issue citations for other noted violations, e.g. liquor law violations, social host ordinance violations, contributing to the delinquency of a minor, etc., which are occurring at the time of the response.

2683.1 First Offense

Officers shall take appropriate enforcement action for a violation of TCC Sec. 16-32, if the criteria outlined above is met. The only exception to mandatory enforcement is at the discretion of a field supervisor, though they must be able to articulate their justification.

- Check for any premise entries (PINX) to see if any previous warnings related to violations of this ordinance have been issued.
- Issue citation(s) for a civil infraction, "Unruly Gathering, TCC 16-32(e)" to the owner or occupant in attendance, any other person in attendance who engaged in conduct causing the unruly gathering, and any person who sponsored the event.
- Prepare a *Notice of Public Nuisance*. Consult with the owner, occupant or tenant of the premises or sponsor of the event, if present, as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.
- Make an MTC entry on the "PINX" mask and enter all relevant information reference the call and the violation. This should include the case number, expiration date, where the red tag was posted, the person(s) cited, and the officer's name & PR number.
- Document in a case report under UCR classification "Disorderly Conduct/ Disturbing the Peace," (if there are no further charges with a higher crime class). Include the date and time the notice was served, to whom it was served, where it was posted, who was consulted on the posting location, and any statements made from the people at the gathering, witnesses, or the complainant. List the name, address, and phone number of the complainant and all witnesses. If the complainant is refused, document their refusal in the narrative, but do not include their personal information. The case officer shall include the words "Red Tag" in the "follow-up" box on the case report.
- If the residents are not the property owners, obtain the property owners' name, address, and phone number if possible.



- If the person(s) receiving the citations are U of A students, note on the case report under Special Instructions for a "copy to the U of A Police Department" for further action.
- Team detectives, or their designee, will follow up by sending a "*Notification of Posting*" by certified mail/return receipt requested to the property owner at the address provided by the responding officer or the address on the Pima County Property Tax Assessment Records. The team detective/designee will document the mailing in a *Supplementary Report*. The return receipt must be retained as evidence of notice. A tracking log of all such cases will be maintained.

Parents can be held responsible for the behavior of their juvenile children. If the parent/guardian who owns the property where the disturbance occurred is present, they shall be advised of the *Notice of Public Nuisance* posting and this information documented in the case report. If the parent/guardian is not present, they shall be notified by mailing the *Notification of Posting* letter by certified mail/return receipt requested. The ordinance does not extend to the parents/guardians of juveniles where the parents/guardians are not the property owners.

2683.2 Subsequent Offenses

Officers shall take appropriate enforcement action for a second or subsequent violation of Sec. 16-32 that occurs within 180 days of the original offense. The only exception to mandatory enforcement is at the discretion of a field supervisor, though they must be able to articulate their justification. The protocol to handle subsequent offenses within the 180-day period is the same as under "First Offense," other than as listed below.

- Issue the new citation(s) for "Subsequent Unruly Gathering, TCC 16-32(f)."
- Prepare a new *Notice of Public Nuisance* with a new 180-day time period, again consulting as to its posting location.
- The new MTC entry under "PINX" should also include the connect-up case number.
- Team detectives or their designee will follow-up by issuing a citation and notice of the intervention to the property owner, provided the incident occurred not less than two (2) weeks after the mailing of the *Notification of Posting* letter. If they have been given proper notice, agents of the owner(s) may also be held responsible. The team detective/designee will document the activity in a *Supplementary Report*.

2683.3 Removal of Notice Prohibited

It is a civil infraction under TCC 16-32(c) 3 for the owner, occupant, or tenant to fail to ensure that the public notice is not removed, defaced, or concealed. The posting may be contested by filing a written request for a hearing with the Civil Infractions Division of City Court within 10 days after the posting of the notice.



2684 Sale of Products Containing Pseudoephedrine

The Tucson City code 11-71 allows peace officers to seize any pseudoephedrine products found to be displayed in a retail establishment and not kept behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or employee of the establishment. However, the ordinance stipulates that before removing any products subject to seizure, a peace officer "shall give the operator or permittee of the establishment a reasonable opportunity to remove the products from the area of the establishment accessible to the public, unless the operator or permittee has been afforded this opportunity on a previous occasion within the preceding twelve (12) months." Officers will conduct random checks of the retail establishments throughout the city to determine whether or not they are in compliance with the requirements of the ordinance. When violations are found, officers shall take appropriate action to correct the offense.

2684.1 First Offense

- Check for any premise entries (PINX) to see if any previous warnings related to violations of the ordinance have been issued to the business.
- Give the operator or permittee of the establishment a reasonable opportunity to remove the products from the area of the establishment accessible to the public.
- Give a written warning to the operator or permittee of the establishment by leaving a copy of the *Notice of Product Seizure and Intent to Dispose* with the "warning box" clearly marked.
- Document the warning in the form of a *Miscellaneous Incident Report* (J-John, UCR classification "Other Offenses/Other Misdemeanors") to be completed on a MDT/MTC with a minimum of a narrative mask. A call number/case report number shall be assigned.
- Make an /MTC entry on the "PINX" mask and enter all relevant information reference the call and violation. This should include the business name and address, name and PR of the officer issuing the warning, date and time of the warning, assigned case number, and person/responsible party that the officer contacted with their contact information, reference the warning.
- Educate the operator or permittee of the establishment as to the requirements of the ordinance.

2684.2 Second Offense

Officers will take appropriate enforcement and seizure action for a second or subsequent violation of Sec. 11-71. The following conditions must exist:

- Product must be found to be displayed in a retail establishment and not kept behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or employee of the establishment.
- There must have been a prior warning given to an operator or permittee for a previous violation of the ordinance or a prior arrest and seizure of product for a previous violation of the ordinance within the preceding twelve (12) months. Information regarding prior warning or seizure had been documented in a PINX mask and retrievable through the MTC



If a violation of the ordinance is found and the above criteria are met, then:

- Complete the *Notice of Product Seizure and Intent to Dispose*, giving 2 copies to the citizen and explaining their right to a hearing as well as the steps required to formally request the hearing.
- Seize and enter the product into evidence following current evidence submission standards and including a copy of the *Notice of Product Seizure and Intent to Dispose*.
- Cite the operator or permittee present for a class 1-misdemeanor violation of TCC11-71 (b). The officer issuing the citation and *Notice of Product Seizure and Intent to Dispose* shall be the case officer.
- Complete a *Multi-Purpose Report* (UCR classification "Other Offenses/Other Misdemeanors") that the above criteria were met, the date and time the notice was served, to whom it was served, any statements made by employees during conducted interviews (including Miranda Warning time and date if applicable), and the circumstances leading up to the arrest and seizure (such as any previous warnings and /or seizures).
- If the operator or permittee signing the *Notice of Product Seizure and Intent to Dispose* is not the owner of the product or establishment, obtain the owner's name, address, and phone numbers if possible.

The operator or the permittee of the business may request a hearing to contest the seizure of the product within fifteen (15) days from the date of seizure. Information regarding the rights of the operator or permittee and process involved with requesting a hearing can be found on the reverse side of the *Notice of Product Seizure and Intent to Dispose*. The hearing will be conducted at Tucson City Court. Note: the hearing in regard to the product seizure is separate from any court action or appearance resulting from any arrest/citation.

2685 Ice Cream Truck Vendors

Tucson City Code, Chapter 7, Article XXIII, requires Ice Cream Truck Vendors to be licensed no later than June 1, 2006. The code is applicable to any person who owns and/or operates an Ice Cream Truck (any motor vehicle) and is selling, displaying, or offering to sell ice cream or any other prepackaged food product on a street, in a residential area, or in a city park. Ice Cream is defined as any frozen dairy or water-based food product.

Upon receiving approval of a license, the Alarm Enforcement Unit will input a Field Interview entry into CAD with the applicant's name, type of vehicle they will be vending from, and the date of expiration of the license. This information will remain in the system for one (1) year from the date of the license approval.

Enforcement of this code shall begin June 1, 2006. The code permits officers to detain an individual operating an Ice Cream Truck that is actively engaged in offering food products for sale in a residential area or City park, for the limited purpose of determining the status of the individual's license.



Operating without a license, failure to display a license on or within the applicant's Ice Cream Truck, and other violations of this ordinance are class one misdemeanors.

Members are referred to the specific Tucson City Code for additional information, including definitions and license requirements.

2686 Liquor Law Enforcement

Arizona Statutes in Title 4 allow peace officers to inspect the premises of a licensed liquor establishment any time the premises are occupied. Officers can quickly check premises for compliance using the *Liquor Establishment Inspection Checklist*.

This form is only for liquor establishment inspections. It is not a required form for normal calls for service or routine bar checks. If an inspection is done, it is important to provide a copy of the inspection report to the licensee.

Officers shall not cite for regulatory violations, but shall note all violations in a police report. Members of State Liquor Enforcement will conduct follow-up investigations and take appropriate enforcement action.

2687 Landlord/Tenant Cases

The office of the Secretary of State prints an informational manual regarding the Landlord and Tenant act that incorporates information from Title 33 and Title 12. Officers shall be familiar with this publication. Members are encouraged to call the Legal Advisor or the Tucson City Attorney's Office, Consumer Affairs Division for questions on Landlord & Tenant issues they cannot resolve in the field.

2688 Task Force Operations

The department, in response to specific trends, serial criminal activity or in cooperation with other agencies in furtherance of the department mission, may form or participate in task force operations. When the department participates in a task force involving outside agencies, a written agreement will govern the activities of the task force and will outline the mission and goals as well as the chain of command and the spans of authority. The agreement must specify the criteria for the use of the task force and the procedures for control and evaluation.

Written agreements for task forces shall include the following:

- Purpose
- Authority and responsibility of each member
- Chain of command and accountability
- Resources available and contributions of each agency
- Predetermined evaluation milestones and timelines

Each task force must have an operational handbook available for each participating member. Upon termination of any task force, a final written evaluation and critique of its effectiveness will be submitted through the chain of command.



2689 Warrants/ Liaison Officer

The Warrant Unit has both a liaison function and a warrant service function.

As liaison to Pima County Attorney's Office, Warrant Officers:

- Exchange and distribute paperwork between TPD and PCAO.
- Compile and review all initial appearance paperwork and present *Felony Interims* at Superior Court.
- Distribute mental commitment paperwork appropriately.

As liaison to Pima County Justice Court, Warrant Officers:

- Exchange and distribute paperwork between PCJC and TPD.
- Present probable cause at arraignments, including weekend arraignments.

Warrant Officers are responsible for Pima County Jail security at City Court video arraignments. They may also be tasked with warrant service (bond of \$2,500 or more).

2690 ANIMALS

There are a number of agencies that oversee animals and wildlife in the Tucson area. Primarily, officers will deal with the Pima Animal Care Center, the Arizona Game and Fish Department (native and exotic wildlife and dangerous reptiles), and the Livestock Sanitary Board. The Pima Animal Care Center (PACC) will respond to calls for service involving most domestic animals within Pima County. The Police Administrative Support Division is the department's liaison to PACC. Officers must be aware that there are a limited number of field officers available to these agencies, and their response to all but extreme emergencies may be delayed.

2691 Animal Bites and Dangerous Animals

2691.1 Rabies

Rabies is a fatal disease to all warm-blooded animals and is spread from one animal to another through a break in the skin, usually as the result of a bite.

All animal bites will receive medical attention. The animal shall be placed under observation as required by state law. If it is necessary to kill an animal that has bitten someone, an effort will be made to not damage the head or brain.

Contact the Pima Animal Care Center (PACC) concerning dangerous or biting domestic animals and both the PACC and Arizona Game and Fish Department (AGFD) concerning dangerous or biting wildlife.



2691.2 First Aid

In the case of any animal bite where the skin has been broken, the individual will be advised to immediately consult a physician. If for some reason there is any delay in obtaining medical treatment, the bite area should be washed or flushed with running water and soap for at least 20 minutes.

2691.3 Dogs

Upon receipt of a dog bite complaint, Communications will contact PACC, who will be responsible for documentation and enforcement.

PACC will occasionally request our assistance with persons who refuse to sign a citation or refuse to relinquish an animal that must be impounded. TPD officers will also be dispatched when extenuating or unusual circumstances exist or a dog is running at large and is a danger to public safety.

2691.4 Bats

When a human or domestic animal is bitten or has close exposure to a bat, the PACC should be contacted and respond to take custody of the bat. They will also respond when a bat is down during daytime hours. PACC and AGFD should be notified and may respond if a bat presents an ongoing threat.

Bats can be rabid and members are to use extreme caution if assisting in their capture. Department personnel shall not handle bats unless the health and welfare of the public is in immediate jeopardy. When handling bats the following procedures shall be adhered to:

- Do not handle a bat with bare hands. Heavy leather gloves may be used, however, it is better to drop a wet towel or other heavy cloth over the bat and then wrap it in another heavy cloth or towel.
- Do not recommend the removal of bats. PACC or AGFD may respond to bats if in a private residence or threatening a human or an animal. If a colony is found, the property owner should be advised to contact the AGFD.

2691.5 Bees

Bees may swarm and become extraordinarily aggressive. Africanized bees may attack anything they perceive to be a threat if they are disturbed. Members notified of swarms or colonies shall contain the area and notify the Fire Department if it is an emergency. If the swarm is localized at a city building, the Fire Department may respond if it is an emergency, but if the area can be contained to the point that it is not an immediate hazard, that action will be taken and City Facilities Design and Management (FD&M) contacted. FD&M will contact a contract exterminator to mitigate the hazard.



2691.6 Skunks

When a human or domestic animal has close exposure to a skunk, especially during the daytime hours, the PACC should be contacted.

2691.7 Large Animals

If a loose animal cannot be corralled or tied, officers shall attempt to keep the animal in an area where it will not create a hazard. When the owner is not available to take possession, contact the Livestock Sanitary Board (LSB), which has the necessary equipment and personnel to capture and remove the animal.

Officers from the Livestock Dispatch can be reached at 1-800-294-0305/602-542-0799. They are on-duty and available to respond to requests for assistance Monday through Friday, 0700-1700 hours. After hours requests require the TPD officer to remain on-scene until the LSB officer's arrival, even if they are no longer needed, as there is no mechanism available to cancel their response.

The livestock officer's authority is restricted to enforcement of violations of ARS Title 24. As most violations relating to stray livestock are addressed by City Code, a TPD officer will be required for most enforcement actions.

2692 Animals Secured in Vehicles During Hot Weather

Animals left secured inside locked vehicles during hot weather may be at risk of injury or death. Officers who discover animals secured inside vehicles in the heat will make a reasonable effort to locate the owner. If no owner can be located, it is necessary to determine if entry into the vehicle must be made.

Failing this, officers will do the following:

- First, attempt to determine the condition of the animal by knocking on the windows. Animals, even if just asleep, will normally respond to this stimulus.
- If no response is obtained, and the animal appears to be in distress, check to see if there are any unlocked doors through which entry could be made to reach the animal and render assistance. If entry cannot be made without damaging the vehicle, a supervisor will be notified and damage to the vehicle shall be minimized. Injured or distressed animals may react unpredictably and members shall protect themselves accordingly. PACC will be notified to provide veterinary resources and take custody of the animal if necessary.
- As in all other situations where department personnel are responsible for property damage, copies of all documentation shall be forwarded to the Legal Advisor.

2693 Disposition of Animals

Refer to TPD procedures associated with the handling or safekeeping of arrestee property. If the owner is known, the owner will be contacted and asked what they want done with the animal. If a member must take control of the animal, a *Property Control Form* shall be completed



documenting the disposition of the animal. The animal shall not be stored at any police facility. PACC or the appropriate livestock or wildlife agency will take custody of the animal.

2693.1 Destruction of Animals

The destruction of small animals may be permissible if the animal is severely injured or dangerous to persons and there is no other practical solution. The destruction of these animals shall be done with due regard to surroundings and safety. A supervisor will be contacted prior to shooting or destroying any animal.

Officers shall not destroy large animals except in an emergency. Only Livestock Sanitary Board Officers are to handle this duty.

2694 Loud Animals (e.g. Barking Dogs)

The responding officer will contact the complaining party. If the officer can locate the offending animal and owner, the owner may be cited if the violation is occurring in the presence of the officer. Barking dog violations require that the civil infraction box is checked on the citation and the violator shall be cited into the Civil Infraction Division at City Court.

If the offending animal or owner cannot be located, or if the violation is not occurring in the officer's presence, the officer shall complete a *Multi-Purpose Report*, provided the complainant wishes to prosecute. The report shall include the owner's name and address, a description of the animal, and the notation "Pima Animal Care Center" in the follow-up request box of the report.

The PACC send a letter to the victim explaining how the complaint can be pursued if the noise continues and offering mediation if the problem is persistent. A letter will also be sent to the owner of the offending animal listing the violation and recommending a solution to the problem. The PACC will file the case with the Administrative Hearing Office, if necessary.

2695 Animal Abuse/Neglect Investigations

Members may respond to animal neglect or abuse incidents as first-responders or at the request of PACC officers. Such offenses may be either misdemeanor or felony depending on the mistreatment and the effect of that mistreatment on the animal. PACC has the authority to conduct misdemeanor investigations and may cite for those violations. If the offense is a felony, a police officer may be dispatched to the scene. Members are expected to utilize standard investigative protocols (securing evidence, contacting witnesses, etc.) in these investigations.

If not already on-scene, PACC will respond to take custody of injured, abused, neglected, or diseased small animals. In these cases, the animal may be evidence of a crime. Members must therefore document the disposition of the animal in any reports.

2696 Search Warrants Involving Animals

2696.1 Animal Control Search Warrants



PACC personnel can make affidavits and receive search warrants from City Magistrates or County Justices of the Peace. Since search warrants are addressed to Peace Officers, PACC personnel cannot serve the warrants or make the Return of Service.

PACC personnel will deliver the warrant to a TPD officer or supervisor. The TPD officer, accompanied by a PACC officer, shall serve the warrant. PACC personnel shall take the lead in capturing the animal. TPD personnel will assist as appropriate. After the capture or attempted capture, the TPD officer shall, within five (5) days, make the Return of Service to the issuing court (City Court or JP Court). A *Multi-Purpose Report* and/or *Supplementary Report* shall be made which details the actions taken.

2696.2 Animals Present at Search Warrants

Officers must be aware of animals that might be present at the service of search warrants, particularly guard or vicious dogs. Information regarding such animals shall be presented at the search warrant briefing. PACC officers may be available to handle such animals during the service of the warrant, providing the PACC officers can be adequately protected and are available. Animals may run off having been frightened in the course of the service of the warrant. Officers will attempt to mitigate danger to the surrounding neighborhood if necessary and recapture the animal if feasible.

Contact the AGFD regarding venomous or dangerous wildlife in homes during the service of search warrants. If an AGFD Officer is available, they may be able to assist with securing dangerous wildlife.

2697 Nuisance Wildlife

The following information concerning wildlife is provided by the Arizona Game and Fish Department (AGFD). For further information, see www.azgfd.gov/urbanwildlife.

2697.1 Bears

Please notify AGFD *immediately* of any bear in the Tucson metro area. All of the circumstances will be considered when any of the above response guidelines are employed when a bear is involved.

AGFD will provide immediate response to bears when:

- A bear is considered to be an immediate threat to public safety.
- Human injury has occurred.
- A bear is injured.
- A bear does not yield to humans, a bear is confined and unwilling to leave, or the bear is doing damage to an occupied hard sided structure.

AGFD will respond if necessary to a bear that is not considered to be an immediate threat to public safety but may be considered to be a threat in the future because the bear is doing damage to unoccupied property, the bear is willing but unable to leave, or the bear is repeatedly seen in the area.



AGFD may not respond to a bear that is simply present in an area, does not pose a threat and has not caused damage.

- **Nighttime Capture Attempts:** Rarely employed except in situations where the bear is definitely confined or poses an immediate public safety threat. Bears are often difficult to capture, especially in situations with much commotion. Dart guns are only effective in short range and a darted animal will often run and cannot be located prior to the drug wearing off. A drugged bear or a missed dart will often pose more of a public safety threat than was previously the case. Often, even "confined" bears are very difficult to locate or have left the area without notice.
- **Commotion is often a major factor in failed capture attempts:** Media, onlookers, and involved officers should be kept to a minimum. Helicopters, while occasionally very useful, are often only successful in keeping the animal moving. If used, they should be kept at a relatively high altitude.
- **Wildlife Rehabilitators should not be called to the scene:** Wildlife rehabilitators are not authorized to make decisions on captures, are not equipped to facilitate capture, and may make a capture more difficult and unsafe. AGFD will determine if the services of a rehabilitator are warranted after an animal is captured.

2697.2 Bobcats

Bobcats rarely warrant a response or removal by AGFD. Bobcats do not generally pose a threat to public safety. They rarely show aggressive behavior toward humans and attacks are extremely rare and almost always associated with rabies. Females with kittens may appear aggressive, but are actually assuming a defensive posture. Bobcats are common in the Tucson area.

2697.3 Coyotes

AGFD rarely removes coyotes except in cases of bites to humans, evidence of aggressive behavior towards humans, or in rare cases when the coyote is injured. Removal of coyotes will always simply result in the territory being occupied by others. Mange is common in coyotes and does not warrant action. Coyotes are common and kill more pets in the Tucson metro area than any other wildlife and owners are responsible for protecting their pets.

2697.4 Javelina

The presence of javelina rarely warrants a response. Javelina bites are rare and usually associated with feeding. Per AGFD policy, javelina will be removed only when a specific public safety hazard exists or when all other means of removing attractants have been exhausted or are determined impractical. In general, most calls can be handled over the phone. The advice given is usually sufficient if followed. Javelina are common throughout the Tucson metro area and rarely pose a threat to humans.



2697.5 Mountain Lions

Similar to bears, mountain lions will be handled by AGFD on a case-by-case basis depending on their location, behavior, frequency of sightings, and specific public safety issues. Mountain lions are generally very secretive, but occasionally sighted in the Tucson metro area. Many are actually misidentified bobcats.

2698 Tips For Handling Wildlife Nuisance Calls

Generally, all wildlife calls should be directed to the local AGFD Office.

2698.1 Feeding

Wildlife will nearly always yield to humans until the humans provide food for wildlife. Nearly all cases of unyielding wildlife can be tied to direct or indirect feeding. In nearly all cases, it is the provision of food that needs to stop, not the removal of wildlife. Per state law, it is illegal to feed wildlife except for birds and tree squirrels in Pima County. AGFD will provide two (2) warnings prior to issuing a citation for feeding and will only cite if neighbors complain and/or wildlife is becoming bold.

2698.2 Bites

Anytime wildlife bites a human, coordinate capture with AGFD. Anytime a wild mammal bites a human, an attempt should be made to capture the offending animal for rabies testing. The brain is necessary for detecting the disease. AGFD will arrange for the immediate transportation of offending animals to the U of A Veterinary Diagnostic Lab.

2698.3 Injured Wildlife

Often wildlife injuries heal or the animal learns to function with a permanent injury. Human intervention is often the worst option. Injured wildlife that cannot escape human approach may be a safety hazard in some cases and may require AGFD response. These will be handled on a case-by-case basis if AGFD is notified.

2698.4 Relocation

AGFD rarely captures or relocates wildlife except in the case of an immediate threat to public safety, a bite to a human, aggressive behavior, some injuries to the wildlife itself, and some chronic nuisance cases.

2698.5 Trapped Wildlife

Wildlife is rarely truly "trapped" in an area and can nearly always leave the same way as they entered. These entry points are not always obvious to humans. Often, simply opening a gate and allowing the animal to leave in its own is enough to solve the problem.